

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>GILBERT WHITE,</b>	:	<b>CIVIL ACTION NO. 1:06-CV-1088</b>
	:	
<b>Petitioner</b>	:	<b>(Judge Conner)</b>
	:	
v.	:	
	:	
<b>WARDEN K. HOGSTEN, et al.,</b>	:	
	:	
<b>Respondents</b>	:	

**ORDER**

AND NOW, this 6th day of July, 2006, upon consideration of the report of the magistrate judge (Doc. 4), to which no objections were filed, recommending that the petition for writ of habeas corpus (Doc. 1) filed pursuant to 28 U.S.C. § 2241 be summarily dismissed<sup>1</sup> and that the motion to proceed *in forma pauperis* (Doc. 2) be denied as moot and, following an independent review of the record, it appearing that petitioner requests immediate placement in a Community Confinement Center (“CCC”) (see Doc. 1 at 1), but that petitioner is scheduled to be released on July 18, 2007 (see Doc. 1 at 2) and is therefore not eligible for CCC placement consideration, see Pacitti v. Lindsay, No. 3:CV-06-0783, 2006 WL 1274997, at \*2 (M.D. Pa. May 8, 2006) (“Petitioner has no right to CCC placement one year prior to release . . . . consideration of such placement is not required until the last six months of incarceration.”), it is hereby ORDERED that:

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<sup>1</sup> See R. GOVERNING § 2254 CASES R. 4 (“If it plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief in the district court, the judge must dismiss the petition . . . .”); id. R. 1(b) (“The district court may apply any or all of these rules to a [§ 2241] habeas petition.”).

1. The report and recommendation of the magistrate judge (Doc. 4) is ADOPTED.
2. The petition for a writ of habeas corpus (Doc. 1) is summarily DISMISSED. See R. GOVERNING § 2254 CASES R. 4.
3. The motion to proceed *in forma pauperis* (Doc. 2) is DENIED as moot.
4. The Clerk of Court is directed to CLOSE this case.

/s/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge